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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,936	05/23/2005	Stephen Robert Maunsell	1170/42213/136	7097

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EXAMINER	
HECKERT, JASON MARK	
ART UNIT	PAPER NUMBER
1711	

NOTIFICATION DATE	DELIVERY MODE
05/17/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptodocket@trexlaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/510,936	MAUNSELL ET AL.	
	Examiner	Art Unit	
	JASON HECKERT	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-20 and 22-32* is/are pending in the application.

4a) Of the above claim(s) *11-17, 26-32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,18-20 and 22-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 2/23/10 have been considered but have not been found to be persuasive. First, the applicant's arguments are not commensurate with the scope of the claim language. Applicant mentions "intelligent blending" and "active controlling", yet such features are not included in the claim language. Thus, until such features are claimed, a simple controlled valve that is capable of mixing in the basic sense is considered to read on the claims. Additionally, the applicant is failing to take into account devices that are well established and available to one of ordinary skill. Mixing valves are readily available, and unless the applicant is claiming to have invented a new valve or a new means of controlling a valve, then inclusion of such devices is considered to be obvious to one of ordinary skill. As stated in the previous action, "Furthermore, water distributors are well-known components in the washing machine art. As stated previously, devices 1, E.V., and the controller control the ratio of water delivered to the softener based on the hardness sensed in the mains. Aisa discloses the use of solenoids. Iizuka also teaches a multi-way valve 6 than can control the delivery of water from the water softener and the mains." Thus, unless the applicant can substantiate patentability by evidence of unexpected results or some other secondary consideration, an automated mixing valve is not held to be a patentably distinct feature due to its prevalence.

2. In order to hasten prosecution, the examiner is available for interview in order to discuss future amendments and potentially allowable subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-5, 7-10, 19-20, 22-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Aisa et al. (EP 1741991) in view of Iizuka. Aisa teaches a washing appliance connected to a water supply via pipe 2 comprising a resin container R, which receives water from the water supply via pipe AL, a brine container having an inlet for the supply of salt S which receives water from the water supply via pipe AR, and control and metering means. The control means detects the hardness of water from the mains, and actively regulates the volume of water to be introduced into the brine container, and accordingly the resin container. Regulating device E.V. is disclosed as being a solenoid valve, not a pump. However, the examiner finds a pump to be a known substitution for a valve, as both achieve a desirable and predictable result of regulating fluid distribution and in this case achieve the same effect of controlling fluid supply to the brine and resin containers. Iizuka discloses that instead of a valve, as disclosed in Aisa, a pump 15 can be used to discharge salt water from chamber 14 to a water softening device 4 for regeneration of resins. Iizuka also discloses a control device 19 that controls the pump. Thus, using an active means such as a pump to deliver salt water to a resin tank was well known at the time of invention. Aisa teaches that it is well known and obvious to control the flow of water to the resin and brine containers from a water regulating device

based on water hardness sensed in the incoming water supply. Operation parameters of component E.V. are then controlled to regulate water softening. The opening of a valve or the duty of a pump are such parameters. Aisa also does not disclose a two-way flow valve, but does disclose a functional equivalent water distribution device 1 that has an outlet 8 directly to the washing tub, and another outlet 9 that connects to the resin container. Device 1 clearly has the ability to distribute water to various components of the washing machine. Furthermore, water distributors are well-known components in the washing machine art. As stated previously, devices 1, E.V., and the controller control the ratio of water delivered to the softener based on the hardness sensed in the mains. Aisa discloses the use of solenoids. Iizuka also teaches a multi-way valve 6 than can control the delivery of water from the water softener and the mains. It is common in the art to direct softened water towards detergent dispenser, as the softened water aids the detersive benefit of detergent. Thus such a feature is not considered to patentably distinguish the instant application from the prior art. Overflow weirs and drains are not considered to be patentably distinguishable limitations over the prior art, especially considering that apparatus 1 of Aisa discloses overflow means and a drain. One of ordinary skill knows of the benefit of including an overflow/drain means on a container to prevent an undesirable scenario of a pressure build up or flooding of the apparatus. Aisa discloses a float device G in the salt/brine container. It would have been obvious at the time of invention to modify Aisa and include a pump in place of valve EV, as taught by Iizuka, in order to regenerate resins in the water softener.

5. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Aisa et al. in view of Iizuka and further in view of Milocco (EP 0545127). Aisa does not discuss where the apparatus is located. Milocco teaches including a water softener in the door of the washing machine, which is a hollow wall. It would have been obvious at the time of the invention to include the water softening device in a wall, as disclosed by Milocco, as it was known to do so at the time of invention.

6. Claims 18 rejected under U.S.C. 103(a) as being unpatentable over Aisa et al. in view of Maunsell (WO 01/26532). Aisa does not disclose a washing machine with an open topped chamber that is removable from the cabinet. Maunsell discloses that a washing machine of this type was known at the time of invention (see abstract and figures 2-3, 7-8). It would have been obvious at the time of invention to modify Aisa in view of Iizuka, and further include the softening device in a drawer type washing machine, as disclosed by Maunsell, as it was a known washing machine design at the time of invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art Unit 1711

JMH